

<p>IN RE:</p> <p>U.S. CELLULAR CORP. AND ILLUMINET, INC.,</p> <p>Complainants,</p> <p>v.</p> <p>QWEST CORPORATION,</p> <p>Respondent.</p>	<p>DOCKET NO. FCU-02-13</p>
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(Issued August 27, 2002)

On July 5, 2002, U.S. Cellular Corp. (USCC) and Illuminet, Inc. (Illuminet) (collectively, Complainants), filed a "Complaint And Request For Immediate Relief" pursuant to Iowa Code §§ 476.3 and 476.101(8) and 199 IAC 6. Complainants allege that Qwest Corporation (Qwest) is unlawfully imposing charges on Illuminet for Signaling System 7 (SS7) services. Complainants requested relief in the form of an immediate injunction against any action by Qwest to terminate, or threaten to terminate, signaling service to Complainants pending final resolution of this complaint on the merits. Complainants also request a determination that Qwest's tariffed rates for signaling services are unlawful as applied to Complainants and an order directing

that Qwest refund any monies paid to Qwest by Complainants for the traffic that is the subject of this complaint.

On July 17, 2002, Qwest filed an answer denying that immediate relief is appropriate and arguing that Illuminet should not be permitted to continue to receive services without paying for them.

On August 5, 2002, Complainants filed a response to Qwest's answer, primarily addressing their request for immediate relief.

On August 9, 2002, the Board docketed this matter and established an accelerated procedural schedule to comply with the 90-day requirement of Iowa Code § 476.101(8).

On August 13, 2002, Complainants filed a request for additional time, seeking a two-week extension of each of the deadlines in the procedural schedule. Complainants agreed to waive the 90-day complaint processing requirements "to accommodate a brief extension and allow for better development of the case."

On August 16, 2002, the Board issued an order denying the request for additional time based on the statutory time requirement, which the Board may not waive without the consent of all parties. Qwest had not consented or waived its right to a decision within 90 days and the Board found it must therefore take all reasonable steps to comply with the statute.

On August 19, 2002, Complainants filed a dismissal of their complaint, without prejudice. Accordingly, the Board will cancel the hearing previously scheduled in this matter and close this docket.

IT IS THEREFORE ORDERED:

1. The hearing in this docket previously scheduled for September 18, 2002, is canceled.
2. Docket No. FCU-02-13 is closed.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 27th day of August, 2002.